

06/21/05 385336.doc E-163-2002/2-US-02

Attorney Reference Number 4239-64828-02
Application Number 10/511,362

IFW
Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Blackshear *et al.*

Application No. 10/511,362

Filed: October 15, 2004

Confirmation No. 3754

For: COMPOSITIONS AND METHODS FOR
DIAGNOSTICS AND THERAPEUTICS
FOR HYDROCEPHALUS

Examiner: Not yet assigned

Art Unit: 2877

Attorney Reference No. 4239-64828-02

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Ann Carlson

Date Mailed June 21, 2005

MAIL STOP PETITION
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PETITION TO CORRECT FILING RECEIPT

Applicants received the official Filing Receipt for the application referenced above, a copy of which (with requested correction shown) is attached as Exhibit A.

The following error appears on the Filing Receipt:

The filing date of the application as typed on the Filing Receipt (October 14, 2004) is incorrect. The correct filing date is October 15, 2004. Attached as Exhibit B is a copy of the Transmittal Letter that accompanied the application to the Patent Office, bearing the date of deposit of October 15, 2004. Attached as Exhibit C is a copy of a tracking printout from the United States Postal Service website, indicating that the package was accepted by the United States Postal Service in Portland, Oregon at 4:33 pm on October 15, 2004.

It is believed that this error arose because the Patent Office Express Mail receipt was incorrectly dated October 14, 2004. This change in the filing date will not affect Applicants' entitlement to the April 19, 2002, priority date of the parent PCT patent application.

A \$130 petition fee (37 CFR § 1.17(h)) is enclosed.

06/24/2005 EFLORES 00000081 10511362

01 FC:1464

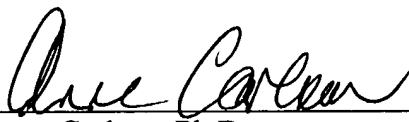
130.00 DP

By this Petition, Applicants request that the USPTO correct the filing date of the application and issue a corrected official Filing Receipt.

Please call the undersigned if any further information is required.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Anne Carlson, Ph.D.
Registration No. 47,472

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/511,362	10/14/2004 10/15/2004	2877	1716	4239-64828-02	15	59	6

CONFIRMATION NO. 3754

FILING RECEIPT



OC00000015772814

36218
 KLARQUIST SPARKMAN, LLP
 121 S.W. SALMON STREET, SUITE #1600
 ONE WORLD TRADE CENTER
 PORTLAND, OR 97204-2988

PENDING ISLY DOCKETED

Date Mailed: 04/25/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Perry J Blackshear, Chapel Hill, NC;
 Darryl C. Zeldin, Chapel Hill, NC;
 Joan P. Graves, Raleigh, NC;
 Deborah J. Stumpo, Durham, NC;

Power of Attorney: The patent practitioners associated with Customer Number 36218.

Domestic Priority data as claimed by applicant

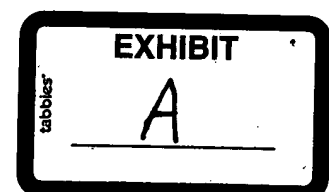
This application is a 371 of PCT/US03/12348 04/18/2003
 which claims benefit of 60/374,184 04/19/2002
 and claims benefit of 60/388,266 06/13/2002

Foreign Applications

Projected Publication Date: 07/28/2005

Non-Publication Request: No

Early Publication Request: No



Title

Compositions and methods for diagnostics and therapeutics for hydrocephalus

Preliminary Class

356

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

FORM PTO-1390 PATENT & TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371**

ATTORNEY'S DOCKET NUMBER

4239-64828-02

U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5)

Not yet assigned

INTERNATIONAL APPLICATION NO.
PCT/US03/12348INTERNATIONAL FILING DATE
18 April 2003PRIORITY DATE CLAIMED
19 April 2002

TITLE OF INVENTION

COMPOSITIONS AND METHODS FOR DIAGNOSTICS AND THERAPEUTICS FOR HYDROCEPHALUS

APPLICANT(S) FOR DO/EO/US

Perry J. Blackshear, Darryl C. Zeldin, Joan P. Graves and Deborah J. Stumpo

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. § 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. § 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. § 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. § 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. § 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. § 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. § 371(c)(3)).
9. ☒ A Declaration of Inventorship and Powers of Attorney from the inventors
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§ 3.28 and 3.31 and the Recordal fee of \$40.00 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - ☒ Abstract on a separate page.
 - ☒ Diskette containing an electronic copy of a Sequence Listing.
 - ☒ Paper copy of the Sequence Listing, 55 pages.
 - ☒ Statement in Compliance verifying the identify of the above copies.


EXHIBIT

tabbles

B

EV514604915US

DATE OF DEPOSIT: October 15, 2004

U.S. APPLICATION NO. (if known) 37 C.F.R. § 1.5 Not yet assigned		INTERNATIONAL APPLICATION NO. PCT/US03/12348		ATTORNEY'S DOCKET NUMBER 4239-64828-02	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 C.F.R. §§ 1.492(a)(1)-(5)): Neither International Preliminary Examination fee (37 C.F.R. § 1.482) nor International Search fee (37 C.F.R. § 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,110.00 International Preliminary Examination fee (37 C.F.R. § 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$950.00 International Preliminary Examination fee (37 C.F.R. § 1.482) not paid to USPTO but International Search fee (37 C.F.R. § 1.445(a)(2)) paid to USPTO as an International Searching Authority \$790.00 International Preliminary Examination fee paid to USPTO (37 C.F.R. § 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$750.00 International Preliminary Examination fee paid to USPTO (37 C.F.R. § 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00				CALCULATIONS (PTO USB ONLY)	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$	750.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	59 - 20 =	39	x \$18.00	\$	702.00
Independent Claims	6 - 3 =	3	x \$88.00	\$	264.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$230.00	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	1,716.00
<input type="checkbox"/> Reduction of 1/2 for filing by small entity. Small entity status is claimed for this application.				\$	
SUBTOTAL =				\$	1,716.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 C.F.R. §§ 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	1,716.00
Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property.				\$	40.00
TOTAL FEES ENCLOSED =				\$	1,756.00
				REFUND →	\$
				CHARGE →	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1,756.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. <u>02-4550</u> . A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> Please return the enclosed postcard to confirm that the items listed above have been received.					
NOTE: Where an appropriate time limit under 37 C.F.R. § 1.494 or § 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO THE ADDRESS ASSOCIATED WITH					
CUSTOMER NUMBER 36218					
KLARQUIST SPARKMAN, LLP One World Trade Center, Suite 1600 121 S.W. Salmon Street Portland, OR 97204-2988					
SIGNATURE  Anne Carlson, Ph.D. NAME					
47,472 REGISTRATION NUMBER					

cc: Docketing



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Shipment Details

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- ARRIVAL AT UNIT, October 17, 2004, 6:59 am, DULLES, VA 20102
- ENROUTE, October 16, 2004, 7:01 pm, DULLES, VA 20102
- ENROUTE, October 15, 2004, 6:48 pm, PORTLAND, OR 97238
- ACCEPTANCE, October 15, 2004, 4:33 pm, PORTLAND, OR 97205

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JUN 23 2005 4239-64828-02 385352.doc E-163-2002/2-US-02

PATENT

Attorney Reference Number 4239-64828-02

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In re application of: *Blackshear et al.*

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Examiner: Not yet assigned

Art Unit: 2877

Attorney Reference No. 4239-64828-02

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed June 21, 2005

MAIL STOP PETITION
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ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Petition to Correct Filing Receipt
- ☒ Exhibits A-C
- ☒ Petition fee of \$130.00
- ☒ Check in the amount of \$130.00 to cover the petition fee
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By
Anne Carlson, Ph.D.
Registration No. 47,472

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